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NOTICE OF ALLOWANCE AND FEE(S) DUE

33717

7590

08/05/2009

GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3688

DATE MAILED: 08/05/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/407,124

09/27/1999

WILLIAM D. KENNEDY

072755-020100/US

2321

TITLE OF INVENTION: METHOD TO CREATE A CUSTOMIZED E-COMMERCE STORE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	11/05/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

**Mail Stop ISSUE FEE
Commissioner for Patents
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

33717 7590 08/05/2009

**GREENBERG TRAUIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$0	\$0	\$1510	11/05/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
ALVAREZ, RAQUEL	3688	705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. _____ 2
_____ 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3688

DATE MAILED: 08/05/2009

Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/407,124

Examiner

Raquel Alvarez

Applicant(s)

KENNEDY, WILLIAM D.

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/27/2009.
2. ☒ The allowed claim(s) is/are 22,23,29-35,56,57 and 59-61.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 4/27/2009, 4/2/2002
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Raquel Alvarez
Primary Examiner
Art Unit: 3688

DETAILED ACTION

1. This office action is in response to communication filed on 4/27/2009.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Claim 22. (currently amended) An electronic commerce system, comprising:
a host, configured for operation by a host owner, suitably adapted for two-way electronic communication between the host owner and a plurality of distributors, each of said plurality of distributors offering an electronic inventory of merchandise comprising discrete items[;], and said host suitably adapted to issue electronic orders to the plurality of distributors in response to purchase requests received; and

a store builder web site suitably adapted to, in response to a request from a store owner during access to the web site, create a an electronic store managed by the host for the store owner, said electronic store ~~providing a consumer to provide each of a~~ plurality of consumers with access, via said distributors, to at least one merchandise item selected from the inventory, the access comprising presentation on one or more web pages to each of the plurality of consumers at the time that the respective consumer accesses the electronic store, and the electronic store configured to support

electronic order taking and transactional processing for a plurality of sales transactions directly between respective ones of the plurality of consumers and the store owner; and

wherein the creation of the store comprises, during the access to the store builder web site by the store owner:

receiving one or more selections from the store owner for customization of the appearance of the store;

receiving a store name from the store owner;

presenting to the store owner a plurality of store types for selection in building the store, each of the plurality of store types associated with a different product theme;

receiving from the store owner an identification of a plurality of products to be offered in the store, at least a portion of the plurality of products to be presented to the store owner by the store builder web site for selection by the store owner; and

receiving from the store owner a new URL for access to the store by each of the plurality of consumers.

Claim 31. (currently amended) The electronic commerce system of claim 22, wherein said store builder sells private label items distributed by the store owner in addition to the merchandise items available via the plurality of distributors.

Claim 59. (currently amended) An electronic commerce system, comprising:

a host, configured for operation by a host owner, suitably adapted for two-way electronic communication between the host owner and a plurality of distributors, each of said plurality of distributors offering an electronic inventory of merchandise comprising discrete items[[:]] , and said host suitably adapted to issue electronic orders to the plurality of distributors in response to purchase requests received;

a store builder web site suitably adapted to, in response to a request from a store owner during access to the web site, create a an electronic store managed by the host for the store owner, said electronic store ~~providing a consumer to provide each of a~~ plurality of consumers with access, via said distributors, to at least one merchandise item selected from the inventory, the access comprising presentation on one or more web pages to each of the plurality of consumers at the time that the respective consumer accesses the electronic store, and the electronic store configured to support electronic order taking and transactional processing for a plurality of sales transactions directly between respective ones of the plurality of consumers and the store owner; and wherein the creation of the store comprises, during the access to the store builder web site by the store owner; and

wherein the creation of the store comprises, during the access to the store builder web site by the store owner;

receiving one or more selections from the store owner for customization of the appearance of the store;

receiving a store name from the store owner;
presenting to the store owner a plurality of store types for selection in building the
store, each of the plurality of store types associated with a different product theme;
receiving from the store owner an identification of a plurality of products to be
offered in the store, at least a portion of the plurality of products to be presented to the
store owner by the store builder web site for selection by the store owner; and
receiving from the store owner a new URL for access to the store by each of the
plurality of consumers; and

wherein:

the store owner is a first store owner, ~~and~~ the store is a first store, and the new URL is ~~to provide the consumer with electronic access to the first store;~~ and the store builder is further suitably adapted to, in response to a request from a second store owner, create a second store managed by the host for the second store owner, each of the first and second stores to be customized by the respective first and second store owners to offer products for sale by e-commerce, the second store having a second URL to provide the consumer with electronic access to the second store.

Claim 60. (currently amended) An electronic commerce system, comprising:

a host, configured for operation by a host owner, suitably adapted for two-way electronic communication between the host owner and a plurality of distributors, each of said plurality of distributors offering an electronic inventory of merchandise comprising

discrete items[[:]] , and said host suitably adapted to issue electronic orders to the plurality of distributors in response to purchase requests received;

a store builder web site suitably adapted to, in response to a request from a store owner during access to the web site, create an electronic store managed by the host for the store owner, said electronic store to provide each of a plurality of consumers with access, via said distributors, to at least one merchandise item selected from the inventory, the access comprising presentation on one or more web pages to each of the plurality of consumers at the time that the respective consumer accesses the electronic store, and the electronic store configured to support electronic order taking and transactional processing for a plurality of sales transactions directly between respective ones of the plurality of consumers and the store owner; and

wherein the creation of the store comprises, during the access to the store builder web site by the store owner:

receiving one or more selections from the store owner for customization of the appearance of the store;

receiving a store name from the store owner;

presenting to the store owner a plurality of store types for selection in building the store, each of the plurality of store types associated with a different product theme;

receiving from the store owner an identification of a plurality of products to be offered in the store, at least a portion of the plurality of products to be presented to the store owner by the store builder web site for selection by the store owner; and

receiving from the store owner a new URL for access to the store by each of the plurality of consumers.

Claim 61. (currently amended) An electronic commerce system, comprising:
a host, configured for operation by a host owner, suitably adapted for two-way electronic communication between the host owner and a plurality of distributors, each of said plurality of distributors offering an electronic inventory of merchandise comprising discrete items[;], and said host suitably adapted to issue electronic orders to the plurality of distributors in response to purchase requests received;

a store builder web site suitably adapted to, in response to a request from a store owner during access to the web site, create a an electronic store managed by the host for the store owner, said electronic store providing a consumer to provide each of a plurality of consumers with access, via said distributors, to at least one merchandise item selected from the inventory, the access comprising presentation on one or more web pages to each of the plurality of consumers at the time that the respective consumer accesses the electronic store, and the electronic store configured to support electronic order taking and transactional processing for a plurality of sales transactions directly between respective ones of the plurality of consumers and the store owner; and

wherein the creation of the store comprises, during the access to the store builder web site by the store owner;

receiving one or more selections from the store owner for customization of the appearance of the store;

receiving a store name from the store owner;

presenting to the store owner a plurality of store types for selection in building the store, each of the plurality of store types associated with a different product theme;

receiving from the store owner an identification of a plurality of products to be offered in the store, at least a portion of the plurality of products to be presented to the store owner by the store builder web site for selection by the store owner; and

receiving from the store owner a new URL for access to the store by each of the plurality of consumers; and

wherein the host is further suitably adapted so that the operation of the host by the host owner is indiscernible to the consumer.

Authorization for this examiner's amendment was given in a telephone interview with Bruce T. Neel registration number 37,406 on July 1, 2009.

Allowable Subject Matter

The present invention is directed to a store owner typically desires to customize a store in order to prepare for future sales to online customers (i.e., consumers) managed by a host.

The closest prior art are:

Robinson, John, Fruit of the loom stitches web service for distributors, Network world, June 3, 1996 teaches a Web-based ordering system for 50 distributors of its Activewear product line. Each distributor will be provided with a custom Web site to enable its customers to review inventory online, check availability and prices, and order products. Snickelways Interactive, a digital marketing company, is developing the interface for the Activewear Online application and constructing the Web sites.

Jonhson (5,712,989) teaches a computerized inventory management system to handle purchase orders from a customer to a Distributor 30.

Article titled" iCat Commerce Online Opens for Business, Now Every Business in the World Can have a Free Store on the Internet" teaches allowing a store owner to create an Online Website using guided help menus.

Independent claims 22, 59, 60 and 61 identify the uniquely distinct feature of “a host, configured for operation by a host owner, suitably adapted for two-way electronic communication between the host owner and a plurality of distributors, each of said plurality of distributors offering an electronic inventory of merchandise comprising discrete items, and said host suitably adapted to issue electronic orders to the plurality of distributors in response to purchase requests received; a store builder web site suitably adapted to, in response to a request from a store owner during access to the web site, create an electronic store managed by the host for the store owner, said electronic store to provide each of a plurality of consumers with access, via said distributors, to at least one merchandise item selected from the inventory, the access comprising presentation on one or more web pages to each of the plurality of consumers at the time that the respective consumer accesses the electronic store, and the electronic store configured to support electronic order taking and transactional processing for a plurality of sales transactions directly between respective ones of the plurality of consumers and the store owner;.... and receiving from the store owner an identification of a plurality of products to be offered in the store, at least a portion of the plurality of products to be presented to the store owner by the store builder web site for selection by the store owner; and receiving from the store owner a new URL for access to the store by each of the plurality of consumers”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Point of contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James w. Myhre can be reached on (571)272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/407,124
Art Unit: 3688

Page 12

/Raquel Alvarez/
Primary Examiner, Art Unit 3688

Raquel Alvarez
Primary Examiner
Art Unit 3688

R.A.
7/1/2009